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14 INTERNATIONAL BUSINESS
14 MACHINES CORPORATION

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

19 ROBERT MAYBERRY,
20 Plaintiff,

21 vs.
22 INTERNATIONAL BUSINESS
22 MACHINES CORPORATION,
23 Defendant.

CASE NO. CV-09-1369-CW

**JOINT STIPULATION FOR DISMISSAL
WITH PREJUDICE AND ORDER**

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CASE NO. CV-09-1369-CW

JOINT STIPULATION OF DISMISSAL
AND [PROPOSED] ORDER

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Robert Mayberry and
2 Defendant International Business Machines Corporation stipulate to voluntarily dismiss with
3 prejudice the above-captioned action pursuant to the terms of the parties' settlement agreement
4 and with each party to bear its own costs and attorneys' fees.

5 IT IS SO STIPULATED.

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7 DATED: October ____, 2009

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14 Counsel for Plaintiff
15 Robert Mayberry

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17 DATED: October ____, 2009

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ORDER

Based upon the foregoing stipulation and good cause appearing, the Court hereby orders that the above-captioned action is dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1) with each party to bear its own costs and attorneys' fees.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

10/14

DATED: _____, 2009

Charlotte

HONORABLE CLAUDIA WILKEN

Judge, United States District Court

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